



UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ORIGINAL FILED WITH CLERK

CHAMBERS OF
JEROME B. SIMANDLE
CHIEF JUDGE

January 4, 2016

UNITED STATES COURTHOUSE
ONE JOHN F. GERRY PLAZA
P.O. BOX 2797
CAMDEN, NJ 08101
(856) 757-5167

Ms. Nadine M. Lundy
405 Woodbury Turnersville Road
Apartment 325
Blackwood, NJ 08012

Re: United States v. Reginald D. Lundy
Cr. No. 03-354-02 (JBS)

Dear Ms. Lundy:

Thank you for your letter of November 27, 2015, regarding the incarceration of your father, Mr. Reginald D. Lundy. You have asked me to reconsider your father's sentence, pointing out that he has been in custody for a long time and is now at Butner, North Carolina following a stroke. I am sorry to hear that your father's medical condition is deteriorating, and I hope that he continues to receive appropriate medical care from the Federal Bureau of Prisons.

Under federal law, I do not have the authority to shorten your father's original sentence. Your father's case has been reviewed by the United States Court of Appeals for the Third Circuit, and his conviction and sentence were affirmed. Under Rule 35 of the Federal Rules of Criminal Procedure, a post-sentence reduction of the length of sentence can be achieved only through circumstances not present in your father's case, namely, the prisoner's cooperation with federal authorities in the investigation and prosecution of others. Aside from Rule 35, federal law provides that the Bureau of Prisons may move before the Court to obtain the compassionate release of a prisoner if there are "extraordinary and compelling reasons [to] warrant such a reduction." See 18 U.S.C. § 3582(c)(1)(A)(i). Such a motion is to be made by the Government and not by the defendant or by the judge under this statute.

In short, I do not have jurisdiction to revise your father's sentence.

Very truly yours,

s/ Jerome B. Simandle

JEROME B. SIMANDLE
Chief U.S. District Judge

JBS/mm

cc: R. Steven Stigall, AUSA
Troy A. Archie, Esq.